

MINUTES
CONNECTICUT HOME INSPECTION LICENSING BOARD
165 CAPITOL AVENUE
HARTFORD, CONNECTICUT 06106

FEBRUARY 5, 2004

The Connecticut Home Inspection Licensing Board met on Thursday, February 5, 2004 at 9:35 A.M. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Bernard F. Caliendo, Chairman (Home Inspector)
 J. Andre Fournier (Public Member)
 Dana J. Fox (Home Inspector)
 Richard J. Kobylenski (Home Inspector)
 Bruce D. Schaefer (Home Inspector)
 William Stanley, Jr. (Home Inspector)

Board Members Not Present: Susan A. Connors, Esq. (Public Member)
 Denise C. Robillard (Public Member)

Board Vacancies: None

Board Counsel: Not Present

DCP Staff Present: Robert M. Kuzmich, License and Applications Specialist
 Vicky Bullock, Administrative Hearings Attorney
 Richard M. Hurlburt, Director, Occupational and
 Professional Licensing Division

Others Present: David Evans, Home Inspector Associations

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

1. Call to order by Chairman Bernie Caliendo.

Mr. Caliendo called the meeting to order at 9:35 a.m.

2. Review of minutes of the September 11, 2003 meeting of the Board.

Mr. Schaefer noted typographical error on page five, second paragraph, fourth line. After the word “issue”, the next word should be “arise”. ***The Board voted, unanimously, to approve the minutes as amended herein. (Kobylenski/Schaefer)***

3. Review of Final Decisions and Orders.

Mr. Caliendo noted that there are no *Final Decisions and Orders* before the Board today.

4. Applications for review.

Mr. Caliendo noted that there are no *applications* for review before the Board today.

5. Applicants appearing before the Board.

Mr. Caliendo noted that there are no *Applicants* before the Board today.

6. Formal Hearings to be held.

Mr. Caliendo noted that there are no *Formal Hearings* to be held today.

7. Old Business

A. Home Inspection Course Application for Pre-Licensing;

Course: Correspondence Course – Home Study

School: Inspection Training Associates
1016 South Tremont Street
Oceanside, California 92054-5051

Mr. Kuzmich stated to the Board that he contacted the school to notify them of the deficiencies found by the Board from their review of the course submission as noted at their last meeting. He also asked that another complete program submission be made so that two members can complete their reviews simultaneously. Mr. Kuzmich was informed, at that time, by a school representative that this submission was made in error to the Connecticut Board and that the submission was to have been made to a regulatory agency of the State of California. As such, the Board took no further action on this item.

B. Update on Home Inspection Course Application for Pre-Licensing:

Course: Pillar To Post Home Inspector Training

School: Pillar To Post

5805 Whittle Road, Suite 211

Mississauga, Ontario, Canada. LAZ 2J1

Mr. Kuzmich informed the Board that although he has requested a second copy of this school's course submission, it has not been received to date. As such, the Board postponed further action on this item until the second copy of their course submission has been received.

8. New Business

A. Update from Vicky Bullock on Department Legislation regarding Home Inspection. Ms. Bullock advised the Board that the Department has hired an Intern who will assist Ms. Bullock with the legislation associated with the proposed legislation for the Home Inspection Licensing Board.

B. Mr. David Evans, Lobbyist, to address to the Board regarding the current licensing exemption for architects and engineers. Mr. Evans addressed the Board regarding a memo, dated November 7, 2001, issued by former Department attorney Anna Ficeto concerning the engineer and architect exemption included in the home inspector licensing statute. He noted that this memo reviews the statutory language and concludes that their exemption extends to licensure, qualifications, training programs, internships, continuing education and compliance with the standards of conduct and compliance with the code of ethics. The memo also states that engineers and architects who perform home inspections without a license may not hold themselves out as "home inspectors" as defined under Chapter 400f. Mr. Evans believes that so far this memo is consistent with the statutory language.

Mr. Evans stated that this memo then goes on to say that if any architect or engineer wishes to use the term "home inspector", he/she may do so by completing the home inspection application and submitting the appropriate fee. He told the Board that it is his understanding that this last sentence has been interpreted by the Department of Consumer Protection to mean that all the engineer or architect must do is send in the application and fee and a Home Inspector's license is automatically issued without proof of knowledge or ability in the home inspection field. Mr. Evans feels strongly the legislature did not intend this result when the statutory exemption was enacted, and that such an interpretation could be harmful to consumers.

Mr. Evans stated to the Board that the statute was intended to provide consumers with assurance that licensee in this field had a basic level of education and experience in the home inspection field. He noted that this goal was accomplished during the

“grandfathering” period by requiring applicants to have completed a certain number of home inspections and have met a minimum experience level in years. He also noted how current requirements accomplish this goal through training programs, supervised inspections, and a written examination.

Mr. Evans cited an example to the Board of how an engineer with a background not related to home inspection could obtain a license simply by submitting a fee. He again emphasized that in his opinion, nothing in the statutory language or in the legislative history was intended to allow architects and engineers to be simultaneously licensed as home inspectors, without adequate education and training in that field.

Mr. Evans, on behalf of the American Society of Home Inspectors (ASHI), requested that the legal opinion referenced in Ms. Ficeto’s memorandum be clarified and refined to specify that all future requests for home inspection licensure by architects and engineers include a demonstration that they have satisfied the specified statutory requirements for obtaining this license.

After extensive discussion by Board members on possible alternative requirements for architects and engineers applying for home inspector’s licenses, Mr. Stanley suggested to the Board that they verify whether, in fact, there are grounds for their interpretation of the statutes. Therefore, all members agreed to request an informal opinion from the Office of the Attorney General on this matter. Ms. Bullock summarized the content of this letter stating that the question is *“whether an architect or engineer who is conducting inspections outside of the area of their expertise can perform a Home Inspection without being licensed and whether they would be required to get a license without having completed the prerequisites that everyone else is required to complete.”*

Mr. Evans agreed and added that *“the mere fact that architects and engineers are exempted from the provisions of the Statute does not automatically entitle them a complete home inspection license? Vicky was right and she has put her finger on it and that is the question the AG has in sight. I would suggest that the legislative history does not support that at all”*.

***The Board voted, unanimously, to have Ms. Bullock draft and send a letter to the Attorney General’s Office requesting an informal opinion on this issue.
(Schaefer/Stanley)***

9. Other Business

1. Mr. Caliendo inquired from Mr. Hurlburt regarding a PSI Exams workshop for the Board. Mr. Hurlburt noted that nothing has been established to date and that a workshop will probably be scheduled for some time in May. Mr. Hurlburt also confirmed that the examination questions the Board had selected have been forwarded to PSI several weeks ago.

2. Ms. Bullock noted that she spoke with Zane Skerry's office and received correspondence from her assistant. The letter states that only schools that have been approved would be also permitted for continuing education and that the Massachusetts Board is not accepting coursework from anyone else. Ms. Skerry's office provided Ms. Bullock with a list of the approved schools. Mr. Caliendo noted that he believes that organizations can also be approved by the Massachusetts Board.

Mr. Caliendo advised the Board that he has written a letter to Ms. Zane Skerry, Executive Director of the Massachusetts Board of Registration of Home Inspectors. Copies of this letter were distributed to the Board. His letter concerns a request from our Board asking if reciprocity can be extended between the Connecticut and Massachusetts. Our Board has proposed that any Board approved continuing education credits for license renewal in either State be recognized by both State Boards. The Massachusetts Board will meet soon and this letter is on their agenda. Ms. Skerry will advise Mr. Caliendo of their decision. Mr. Caliendo also noted that reciprocity would not apply to the continuing required hours for home inspection licensing law and regulations.

3. Mr. Caliendo stated that Noel Zak from *EBPHI* contacted him to ask if their examination could be used voluntarily by interns and be accepted by the State. Mr. Caliendo stated that in his opinion, this examination is a more competent one than that which is used by the State at present, the exam is longer and costs more money to take, and that many interns that will join national organizations such as *ASHI* and this would be the examination they would take to join.

In response, Mr. Hurlburt stated that only examination that can be used to get a license in Connecticut is that which the State gives which is administered by *PSI*.

4. Mr. Caliendo again reminded the Department that he is displeased with the way consumers must navigate the website links to arrive at information regarding home inspectors. Home inspectors are found on a secondary drop down menu within the category of home improvement contractors.

Mr. Caliendo also noted that some home inspectors have listed their business names on the website roster which he objects to. Mr. Hurlburt stated that some home inspectors may have listed their businesses as their mailing address which explains why those addresses appear on the roster. Mr. Caliendo believes that it is misleading to consumers in that it implies that the Department registers home inspection businesses which they do not. He also noted that the application for the license does not ask for the business name. Mr. Stanley suggested that it may be helpful to consumers trying to locate a home by the company he works for.

Mr. Caliendo believes that either all business names should be removed from the website listings or post everyone's business name on the listing. He was originally in favor of registering the businesses also but the legislature did not agree. Mr. Stanley believes that it is a valuable tool to consumers to be able to find a home inspector through his business and that perhaps all licensees should list their businesses. Ms. Bullock stated to the Board that the Department's website will be redesigned in accordance with a state wide mandate that requires that all state's website be similar in design and operation. Mr. Stanley suggested that the Department advise all licensee's

at their next renewal that they have the option of listing their business on the renewal. Other members of the Board agreed. The advantages and disadvantages of listing telephone numbers for home inspectors on the website were also discussed.

5. Mr. Caliendo requested that the Department provide him with a testing company manual. He noted that in the previous testing company's manual states that licensee in starting a business must file a tax registration application with the Department of Revenue Services. Mr. Caliendo asked if this applies to everyone. Mr. Hurlburt stated that it may or may not noting further explaining that this information was presented as general knowledge portion of the required business and law examination.

Mr. Caliendo's stated that his question is are home inspectors required to file a tax registration application or is it voluntary. Mr. Hurlburt didn't know the answer and suggested that the question be forwarded to the Department of Revenue Services. Ms. Bullock noted that she did raise this question to *PSI* officials at a recent Examination Workshop as a part of other questions she had on the Business and Law Examination content as it pertains to sole proprietorship.

Mr. Caliendo had noted questions he received from several home inspectors pertaining to workman's compensation insurance relative to home inspectors taking on interns and whether or not these inspectors had to provide this insurance. Other members of the Board agreed that the question needs to answered by the home inspector's attorney.

6. Mr. Caliendo advised the Board of an insurance company that provided home inspectors errors and omissions insurance called *Nations Hazard Insurance Company* from West Dundee, Illinois. He further advised that this is a fraudulent company under investigation by the State of Illinois, the State of Washington, and the United States Postal Service. Anyone subscribing to insurance from this company is not covered.

The meeting adjourned at 10:53 a.m. (Kobylenski/Fox)

Note: the next regular meeting of the Board is scheduled for April 1, 2004 at 9:30 a.m. in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.
License and Applications Specialist